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5  
6 Attorneys for Plaintiffs/Counterdefendants  
GRASSHOPPER HOUSE, LLC and  
PASSAGES SILVER STRAND, LLC  
7  
8

9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA

11 GRASSHOPPER HOUSE, LLC, d/b/a  
12 PASSAGES MALIBU, a California  
limited liability company, PASSAGES  
13 SILVER STRAND, LLC, a California  
limited liability company,

14 Plaintiffs,

15 v.

16 RENAISSANCE RECOVERY  
17 SERVICES, LLC, a California limited  
liability company; NNB RECOVERY  
18 SERVICES, LLC, a California limited  
liability company; and SALVATORE  
19 PETRUCCI, an individual,

20 Defendants.  
21  
22

AND RELATED COUNTER-CLAIM

Case No.: 10-3198 DMG (JCx)

**PLAINTIFFS' RESPONSE TO  
DEFENDANTS' STATEMENT RE:  
RULE 26 CONFERENCE**

**Scheduling Conference**

Date: October 18, 2010  
Time: 11:00 a.m.  
Location: Courtroom 7

23 **DECLARATION OF CHARLES J. HARDER**

24 **IN RESPONSE TO DEFENDANTS' STATEMENT RE: RULE 26**

25 I, Charles J. Harder, declare:

26 1. I am an attorney at law duly admitted to practice before the  
27 United States District Court for the Central District of California. I am a partner  
28 of the law firm of Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP ("WRSSR"),

1 attorneys of record for plaintiffs and counter-defendants GRASSHOPPER  
2 HOUSE, LLC ("Grasshopper") and PASSAGES SILVER STRAND, LLC  
3 (collectively, "Passages"), and counter-defendants CHRIS PRENTISS and PAX  
4 PRENTISS. I have personal knowledge of the following facts, and if called and  
5 sworn as a witness, I could and would testify competently thereto.

6       2. I am in receipt of the document entitled "Defendants' Statement of  
7 Plaintiffs' Noncompliance with Rule 26 Obligations" ("Defendants' Statement")  
8 filed on October 4, 2010 by Defendants RENAISSANCE RECOVERY  
9 SERVICES, LLC, NNB RECOVERY SERVICES, LLC, and SALVATORE  
10 PETRUCCI (collectively, "Defendants"). Defendants' Statement states that  
11 Plaintiffs have supposedly "failure to comply with their obligations under  
12 Fed.R.Civ.P. Rule 26 to either (i) schedule an in person meeting with defense  
13 counsel to conduct the initial meeting of counsel . . . [etc.]"

14       3. Defendants' Statement is not true. In fact, the opposite is the case.

15       4. On Friday, September 24, 2010, at 2:22 p.m., I sent an email to  
16 Defendants' counsel asking for a Rule 26(f) conference on Monday, September  
17 27, 2010. I sent follow-up request Monday morning. Defendants' counsel, James  
18 Doroshow, responded by initially confusing the deadlines to have a conference  
19 and the deadline to file a Rule 26(f) report. He also stated that he was supposedly  
20 "too busy" to have a Rule 26(f) conference either that day (Monday, September  
21 27) or the next day (Tuesday, September 28). I then proposed a conference on  
22 Wednesday, September 29. Attached hereto as **Exhibit "A"** are true copies of our  
23 email exchanges showing this.

24       5. Mr. Doroshow never responded to me with a date or time when *he*  
25 was available for a Rule 26(f) conference.

26       6. On Monday, September 27, 2010, a day that Mr. Doroshow told me  
27 he was "too busy" for a Rule 26(f) conference, Mr. Doroshow sent me twenty-  
28 three (23) emails.

1           7.     That same afternoon (Monday, September 27), I emailed Mr.  
2 Doroshow and pointed out that he had already sent me sixteen (16) emails that  
3 day, despite having told me that he was "too busy" for a Rule 26(f) conference.  
4 I asked him to reconsider having a telephonic Rule 26(f) conference the next day  
5 (Tuesday, September 28). Attached as **Exhibit "B"** is a true copy of my email.

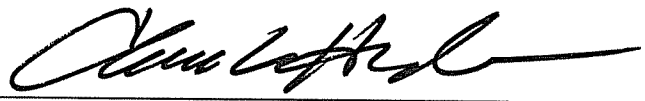
6           8.     Mr. Doroshow responded by stating that the rules supposedly require  
7 an "in person" Rule 26(f) conference. I then emailed him back, inviting him to  
8 have an in-person conference the next day at my office. Mr. Doroshow did not  
9 respond to my request. Attached as **Exhibit "C"** is a true copy this email  
10 exchange. I have since reviewed FRCP Rule 26(f) and L.R. 26, and do not see  
11 reference to the Rule 26(f) conference needing to be "in person."

12          9.     On Tuesday, September 28, 2010 – another day that Mr. Doroshow  
13 had said he was "too busy" to have a Rule 26(f) conference – Mr. Doroshow sent  
14 me fifteen (15) emails.

15          10.    Notwithstanding my numerous communications attempting to  
16 schedule either telephonic, or in person, Rule 26(f) conference, with Mr.  
17 Doroshow never once informed me of a date or time that he was available for a  
18 conference.

19          11.    In light of the foregoing, Plaintiffs are at a loss as to how to proceed  
20 with the Rule 26(f) requirements because Mr. Doroshow will not cooperate with  
21 Plaintiffs' counsel.

22          I declare under penalty of perjury under the laws of the United States of  
23 America that the foregoing is true and correct. Executed October 4, 2010 at  
24 Los Angeles, California.

25  
26 

27 CHARLES J. HARDER  
28

Exhibit “A”

**Charles Harder**

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**From:** Charles Harder  
**Sent:** Friday, September 24, 2010 2:22 PM  
**To:** Doroshow, James E.  
**Cc:** LeBrane, Claudia A.  
**Subject:** RE: Renaissance

Let's have the initial meeting on Monday. I'm available any time in the afternoon. As I assume you know, I am working today on discovery responses in the Accelerated case.

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**From:** Doroshow, James E. [mailto:JDoroshow@foxrothschild.com]  
**Sent:** Friday, September 24, 2010 2:23 PM  
**To:** Charles Harder  
**Cc:** LeBrane, Claudia A.  
**Subject:** Renaissance

Since I have not heard from you on the initial meeting of counsel that was to be completed today, we will be filing a report of your noncompliance with the court on monday and a request for sanctions. Jim doroshow.

ATTENTION:

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Thank you.

**Charles Harder**

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**From:** Charles Harder  
**Sent:** Monday, September 27, 2010 8:18 AM  
**To:** Doroshow, James E.  
**Subject:** Renaissance case - Rule 26f conference

Please let me know if you are available for a Rule 26f conference today, either late morning (11am) or late afternoon (4pm). If not, please let me know a time that you are available tomorrow; I am generally available from 9am-4pm.

---

Charles J. Harder, Esq.  
Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP  
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Bio: <http://www.wrslawyers.com/attorneys/charles-harder.asp>

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## Charles Harder

---

**From:** Charles Harder  
**Sent:** Monday, September 27, 2010 8:28 AM  
**To:** Doroshow, James E.  
**Cc:** LeBrane, Claudia A.  
**Subject:** RE: Renaissance case - Rule 26f conference

Today is the last day for us to have a Rule 26f conference. Next Monday (Oct. 4) is the last date to file a Joint Rule 26f report. I suggest we have a conference today, and that I send you my half of the Joint Rule 26f report later this week, and you add your portions to it and get it to me by Monday Oct 4, so I can e-file it with the Court.

---

**From:** Doroshow, James E. [mailto:JDoroshow@foxrothschild.com]  
**Sent:** Monday, September 27, 2010 8:27 AM  
**To:** Charles Harder  
**Cc:** LeBrane, Claudia A.  
**Subject:** Re: Renaissance case - Rule 26f conference

The report is due today. Please send me a draft asap.

---

**From:** Charles Harder  
**To:** Doroshow, James E.  
**Sent:** Mon Sep 27 11:18:25 2010  
**Subject:** Renaissance case - Rule 26f conference

Please let me know if you are available for a Rule 26f conference today, either late morning (11am) or late afternoon (4pm). If not, please let me know a time that you are available tomorrow; I am generally available from 9am-4pm.

---

Charles J. Harder, Esq.  
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Web: [www.WRSlawyers.com](http://www.WRSlawyers.com)  
Bio: <http://www.wrslawyers.com/attorneys/charles-harder.asp>

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ATTENTION:



## Charles Harder

---

**From:** Charles Harder  
**Sent:** Monday, September 27, 2010 8:37 AM  
**To:** Doroshow, James E.  
**Cc:** LeBrane, Claudia A.; CHAssist  
**Subject:** RE: Renaissance case - Rule 26f conference

You have not been asking me for the conference "for weeks." You mentioned it for the first time last week, and I asked you last week for a time today to have the conference. You did not respond to me. I would rather not have to advise the Court that you would not make yourself available for a Rule 26f conference. I will prepare my side of the Joint Report, and I hope we can have a conference to discuss on Wednesday afternoon of this week. (I am not available Weds. morning.)

---

**From:** Doroshow, James E. [mailto:JDoroshow@foxrothschild.com]  
**Sent:** Monday, September 27, 2010 8:34 AM  
**To:** Charles Harder  
**Cc:** LeBrane, Claudia A.  
**Subject:** Re: Renaissance case - Rule 26f conference

I've been asking you to meet for weeks. I'm busy today and tomorrow. I'm not going to change my schedule because you continue to ignore deadlines and leave things to the last minute. We've done this for months in accelerated, I'm not going to do it in this case as well. Time to get organized Charles. Send me a draft and I'll call you later in the week with comments and input.

---

**From:** Charles Harder  
**To:** Doroshow, James E.  
**Cc:** LeBrane, Claudia A.  
**Sent:** Mon Sep 27 11:27:45 2010  
**Subject:** RE: Renaissance case - Rule 26f conference

Today is the last day for us to have a Rule 26f conference. Next Monday (Oct. 4) is the last date to file a Joint Rule 26f report. I suggest we have a conference today, and that I send you my half of the Joint Rule 26f report later this week, and you add your portions to it and get it to me by Monday Oct 4, so I can e-file it with the Court.

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**From:** Doroshow, James E. [mailto:JDoroshow@foxrothschild.com]  
**Sent:** Monday, September 27, 2010 8:27 AM  
**To:** Charles Harder  
**Cc:** LeBrane, Claudia A.  
**Subject:** Re: Renaissance case - Rule 26f conference

The report is due today. Please send me a draft asap.

---

**From:** Charles Harder  
**To:** Doroshow, James E.  
**Sent:** Mon Sep 27 11:18:25 2010  
**Subject:** Renaissance case - Rule 26f conference

Please let me know if you are available for a Rule 26f conference today, either late morning (11am) or late afternoon (4pm). If not, please let me know a time that you are available tomorrow; I am generally available from 9am-4pm.



Exhibit “B”

**Charles Harder**

---

**From:** Charles Harder  
**Sent:** Monday, September 27, 2010 4:47 PM  
**To:** Doroshow, James E.  
**Cc:** LeBrane, Claudia A.; CHAssist  
**Subject:** RE: Renaissance case - Rule 26f conference

Mr. Doroshow:

You represented to be below that you were too "busy" to have a phone call with me today to discuss the Rule 26(f) issues. But yet you managed to find the time to send me no less than sixteen (16) emails. I ask that you reconsider scheduling a Rule 26(f) telephonic conference with me tomorrow. If not, I will advise the Court that you avoided the Rule 26(f) conference.

Charles

---

**From:** Doroshow, James E. [mailto:JDoroshow@foxrothschild.com]  
**Sent:** Monday, September 27, 2010 8:34 AM  
**To:** Charles Harder  
**Cc:** LeBrane, Claudia A.  
**Subject:** Re: Renaissance case - Rule 26f conference

I've been asking you to meet for weeks. I'm busy today and tomorrow. I'm not going to change my schedule because you continue to ignore deadlines and leave things to the last minute. We've done this for months in accelerated, I'm not going to do it in this case as well. Time to get organized charles. Send me a draft and ill call you later in the week with comments and input.

---

**From:** Charles Harder  
**To:** Doroshow, James E.  
**Cc:** LeBrane, Claudia A.  
**Sent:** Mon Sep 27 11:27:45 2010  
**Subject:** RE: Renaissance case - Rule 26f conference

Today is the last day for us to have a Rule 26f conference. Next Monday (Oct. 4) is the last date to file a Joint Rule 26f report. I suggest we have a conference today, and that I send you my half of the Joint Rule 26f report later this week, and you add your portions to it and get it to me by Monday Oct 4, so I can e-file it with the Court.

---

**From:** Doroshow, James E. [mailto:JDoroshow@foxrothschild.com]  
**Sent:** Monday, September 27, 2010 8:27 AM  
**To:** Charles Harder  
**Cc:** LeBrane, Claudia A.  
**Subject:** Re: Renaissance case - Rule 26f conference

The report is due today. Please send me a draft asap.

---

**From:** Charles Harder  
**To:** Doroshow, James E.

Exhibit “C”

## Charles Harder

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**From:** Charles Harder  
**Sent:** Monday, September 27, 2010 6:36 PM  
**To:** Doroshow, James E.  
**Cc:** LeBrane, Claudia A.; CHAssist  
**Subject:** RE: Renaissance case - Rule 26f conference

When can you come to my office tomorrow?

---

**From:** Doroshow, James E. [mailto:JDoroshow@foxrothschild.com]  
**Sent:** Monday, September 27, 2010 6:37 PM  
**To:** Charles Harder  
**Cc:** LeBrane, Claudia A.; CHAssist  
**Subject:** Re: Renaissance case - Rule 26f conference

In case your not familiar with the courts rules, counsel are supposed to meet in person for the initial meeting of counsel.  
Do you need me to send you a copy of the rules again?

---

**From:** Charles Harder  
**To:** Doroshow, James E.  
**Cc:** LeBrane, Claudia A.; CHAssist  
**Sent:** Mon Sep 27 19:46:39 2010  
**Subject:** RE: Renaissance case - Rule 26f conference  
Mr. Doroshow:

You represented to be below that you were too "busy" to have a phone call with me today to discuss the Rule 26(f) issues. But yet you managed to find the time to send me no less than sixteen (16) emails. I ask that you reconsider scheduling a Rule 26(f) telephonic conference with me tomorrow. If not, I will advise the Court that you avoided the Rule 26(f) conference.

Charles

---

**From:** Doroshow, James E. [mailto:JDoroshow@foxrothschild.com]  
**Sent:** Monday, September 27, 2010 8:34 AM  
**To:** Charles Harder  
**Cc:** LeBrane, Claudia A.  
**Subject:** Re: Renaissance case - Rule 26f conference

I've been asking you to meet for weeks. I'm busy today and tomorrow. I'm not going to change my schedule because you continue to ignore deadlines and leave things to the last minute. We've done this for months in accelerated, I'm not going to do it in this case as well. Time to get organized charles. Send me a draft and ill call you later in the week with comments and input.

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**From:** Charles Harder  
**To:** Doroshow, James E.  
**Cc:** LeBrane, Claudia A.